THE CONSTITUTION OF THE JAMAAT-E-ISLAMI HIND

(English Version From the original in Urdu)
As Amended up to April 2023

بسم الله الرحمن الرحيم

In the Name of Allah, the Beneficent, the Merciful

THE CONSTITUTION OF THE JAMAAT-E-ISLAMI HIND

PART I

CREED, OBJECTIVE AND METHODOLOGY

Name

Article 1: The name of this Jamaat shall be "THE JAMAAT-E-ISLAMI HIND", and this Constitution shall be called "THE CONSTITUTION OF THE JAMAAT-E-ISLAMI HIND".

Date of Enforcement

Article 2: This Constituition shall come into force on the First of Ramadan-ul-Mubarak, 1375 AH, corresponding to the Thirteenth of April 1956 AD.

Creed

Article 3: The basic creed of the Jamaat-e-Islami Hind is *"La Ilaha Illallahu Muhammadur Rasullullah"*, i.e. only Allah is worthy of worship; there is being no one except Him, who is worthy of worship and that Muhammad (Allah's blessings and peace be on him!) is Allah's messenger.

Explanation: The meaning of the first part of this Creed – i.e., only exalted Allah is worthy of worship means that the very same Allah is the Rightful Deity and Law-giving Sovereign of all human beings Who is the Creator, the Sustainer, the Controller, the Lord of us all and of the entire universe as well as the Sovereign and the Author of all the creations. He alone is deserving of worship and He alone is the Rightful One to Whom obedience and allegiance are due, and no one in any of these capacities is His associate.

Knowing and acknowledging this reality it becomes imperative that man –

(i) should not regard anyone except Allah as his patron, fulfiller of desires, provider of needs, remover of difficulties, redresser of grievances, protector and helper, for, in reality no one else has power at all in his own right;

(ii) should not reckon anyone except Allah as benefactor or injurer, nor fear anyone, nor stand in awe of anyone, nor put his trust in anyone, nor pin his hopes on anyone, for the master of all authority is, in reality Allah alone;

(iii) should not worship anyone except Allah, nor offer oblations to anyone, nor bow (in reverence) before anyone; in a word, should not deal with anyone in the manner in which polytheists have been acting towards their gods, for Allah alone deserves to be worshipped;

(iv) should not supplicate anyone except Allah, nor seek refuge in anyone, nor invoke anyone for assistance, nor even consider anyone so powerful and mighty in Divine dispensation that Divine decree could be averted through his intercession, for, in the Kingdom of God all are really helpless subjects, be they angels, prophets or saints;

(v) should not recognize anyone except Allah as Lord of the Dominions and Supreme Authority, nor acknowledge anyone competent to command and forbid on his own authority, nor own anyone as being in his own right a permanent and absolute law-giver and lawmaker; and should refuse to acknowledge as valid all those allegiances which are not subservient to the allegiance towards One Allah and His Law, for Allah is the only legitimate Lord of His domain and the only lawful sovereign of His creation. To none, excepting Him, accrues the right to lordship and sovereignty.

Furthermore, by subscribing to this Creed it also becomes imperative that man –

(vi) should renounce his self-will, give up the servitude of lusts and base urges and live as a servant merely of Allah whom he has acknowledged as his One God;

(vii) should not regard himself as the absolute owner of anything, but should regard everything, even his very existence, his bodily organs, his mental and physical faculties, as emanating from Allah and endowed as a trust by Him;

(viii) should consider himself responsible and accountable to Allah; and, in respect of the use of his faculties, his dealings and the utilisation of resources, should ever keep in view the fact that on the Day of Judgement he has to render account of all these things to the Exalted Allah and has to receive reward or punishment for his deeds;

(ix) should make the approval of Allah the sole criterion of his likes and the disapproval of Allah the criterion of his dislikes;

(x) should have utmost love for Allah, should make the seeking of the pleasure of; and closeness to, the

Exalted Allah the sole object of all his exertions and endeavours and the pivot of his entire existence;

(xi) should accept in the spheres of moral behaviour and conduct in social and civic spheres, in economics and politics – in a word, in every sphere of life – only Allah's guidance as 'The Guidance' and acknowledge only that code as 'The Code' which is laid down by Allah or which is in consonance with His Command and Guidance, and should reject all that which goes against His *Shariat* (Law).

The meaning of the second part of this Creed – i.e., *Muhammad* (Allah's blessings and peace be on him!) is the Messenger of Allah – is that the last Prophet, through whom authentic Guidance and complete Code of Life to be followed till the Last Day was sent from the Rightful Deity and Sovereign of the Universe for all human beings inhabiting the face of the earth and who had been commissioned to act in accordance with this Guidance and Code and present a complete model, is *Hazrat Muhammad* (Allah's blessings and peace be on him!).

Knowing and recognising this reality, it becomes imperative that –

(i) one should accept without demur every teaching and every guidance that is proved to emanate from *Muhammad* (Allah's blessings and peace be on him!);

(ii) only this much should suffice to urge a man to do a certain thing or to make him desist from something, that the command to do that thing or its prohibition is confirmed by God's Messenger (Allah's blessings and peace be on him!); no other reasoning should be the basis of his obedience;

(iii) one should not acknowledge the permanent and absolute leadership and guidance of anyone excepting God's Messenger; the act of following

others should be subject to its conforming with Allah's Book[1] and the *Sunnah*[2] of Allah's Messenger and not independent of these;

(iv) one should take the Book of God and *Sunnah* of His Messenger alone as the real sanction and authority and the ultimate source to fall back upon in every matter of his life; should adopt an idea, belief or method which is in accordance with the Book and the *Sunnah* and should give up that which is against them;

(v) one should eradicate from his heart all prejudices based on ignorance, whether they have anything to do with his person and family, or tribe and race, or nation and country, or community and group. He should not be so enamoured of or devoted to anybody that love and devotion to him should subdue the love and devotion to God's messenger and to the truth conveyed by him or should become its rival;

(vi) one should hold no human being, except the Messenger of God, as the criterion of right and wrong, nor regard anyone above criticism, nor be under mental servitude of anyone, but assess and judge everyone according to the same perfect criterion authorized by God and place a person only in that category in which he fits in the light of that criterion.[3]

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1 "Allah's Book" and "the Book" signify the Qur'an

2 "Sunnah" means the sayings, precepts and practices of the Prophet.

3 The distinction between "being righteous" and "being the criterion of right and wrong" should be noted. Similarly the distinction between "criticism" and "condemnation" should be maintained.

Objective

Article 4: The Objective of the Jamaat-e-Islami Hind is *Iqaamat-e-Deen*[4], the real motive of which is solely the achievement of Divine pleasure and success in the Hereafter.

Explanation: The word *"Deen"* in the term *"Iqaamat-e-Deen"* means that true *Deen* which Allah, the Lord of the worlds, had been sending through all His prophets in different ages and different lands and which He revealed in its final and perfect form for the guidance of all human beings, through His Last Prophet, *Hazrat Muhammad* (Allah's blessings and peace be on him!), and now in the world which is the only authentic, pristine *Deen* and the only one which is acceptable to Allah, the name of which is Islam.

This *Deen* encompasses the exterior and the interior of man as well as all individual and collective aspects of his life. There is not even a single aspect of human life ranging from beliefs, rituals and morals to economic, social and political aspects which may be beyond its pale.

Just as this *Deen* ensures Divine pleasure and success in the Hereafter, it is also the best system of life for the proper solution of all worldly problems, and righteous and progressive reconstruction of individual and social life is possible only through its establishment.

Iqaamat of this *Deen* means that it, in its entirety and without exercising any discrimination or division, should be sincerely followed and followed single-mindedly. It should be so enforced and given effect to in all aspects of

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4 It is very difficult to give and English equivalent of the term *'Iqaamat-e-Deen'*. It may, however, be rendered as the Establishment, Realization or Pursuit of Religion. 'Religion', 'Way of Life' or 'System of Belief and action', are however, very imperfect renderings of the word *'Deen'*.

human life, individual as well as corporate, that the development of the individual, the reconstruction of society and the formation of State should all conform to this very *Deen*.

The ideal and the best practical example of the *Iqaamat* of this *Deen* is that which was set up by *Hazrat Muhammad* (Allah's blessings and peace be on him!) and the rightly-guided Caliphs (may the Exalted Allah be pleased with them all!).

Methodology

Article 5: For the attainment of its Objective the Methodology of the Jamaat-e-Islami Hind shall be as follows:

(i) The Qur'an and the *Sunnah* shall form the basis of all the Jamaat's activities. All other things shall be kept in view secondarily, and only to the extent to which these could be accommodated in accordance with the Qur'an and the *Sunnah*.

(ii) In all its actions the Jamaat shall be bound by moral limits and shall never adopt such means or ways which are against truth and honesty or which may lead to communal hatred, class conflict or *Fasaad fil arz*[5].

(iii) For the achievement of its Objective, the Jamaat shall adopt constructive and peaceful methods; that is, it shall reform the mental outlook, character and conduct of people through propagation, instruction and dissemination of Islamic ideas, thus shall reform public opinion in order to bring about the desired righteous change in the social life of the country.

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[5] *Fasaad fil arz* signifies social chaos, discord, anarchy, corruption and mischief in the land.

PART II

MEMBERSHIP OF THE JAMAAT

Conditions

Article 6: Every citizen of the Indian Union, whether male or female, and irrespective of the group or race to which he/she belongs, is eligible to the membership of the Jamaat-e-Islami Hind, provided that he/she –

(i) bears witness, after understanding the Creed, *La Ilaha Illallahu Muhammadur Rasulullah*, with its Explanation (mentioned in Artcle 3), that the same is his/her Creed;

(ii) affirms, after understanding the Objective with its Explanation (mentioned in Article 4), that the same is his/her Objective;

(iii) affirms to abide by the Methodology of the Jamaat (mentioned in Article 5);

(iv) pledges, after understanding the Constitution of the Jamaat, that he/she shall abide by the Constitution and, in conformity therewith, shall abide by the Jamaat's discipline.

Admission

Article 7: In case of fulfilment of the conditions of membership (recorded in Article 6); a person shall be deemed to be a member of the Jamaat when the *Amir-e-Jamaat*[6] approves his or her application for membership.

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6 There is no English equivalent for this term. As regards his status see Article 22.

Responsibilities

Article 8: It shall be incumbent on every member that he or she should –

(i) discharge all obligations and carry out all duties, prescribed by *Deen*, in conformity with the rules of the *Shariat* (Divine Law);

(ii) abstain from major *sins*[7] and if, over-powered by momentary impulse, he/she commits some major sin then he/she should repent and seek forgiveness of God.

(iii) completely renounce, unmindful of the extent of loss involved, such means of livelihood, if any, that may be defined as flagrant violations of divine injunctions;[8] and if only a part of his/ her earnings accrue from such means, he/she should purge it of the same;

(iv) give up, if he/she has in possession any wealth or property acquired through a prohibited,[9] unlawful or illegal method; but if that wealth or property is not ascertainable and determinate then, alongwith repentance and asking forgiveness of God, he or she should make all possible efforts to make amends for the same;

(v) if in his/her wealth or property is included some part usurped from a rightful person, then he/she should restore it to that person. This act will be necessary if the rightful person is known and the thing which has been taken through usurpation is ascertainable and determinate; otherwise he/she should make all possible efforts to make amends alongwith repentance and asking forgiveness of God;

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7 That is, *Kabaair*

8 That is, *Masiat-e-Fahesha.*

9 That is, *Haraam* i.e. unlawful in *Shariah*

(vi) If he holds a post in government, or is appointed as judge in its judicial system or is a member of its legislature, then he won't act contrary to truth and justice.

(vii) fulfill the requirements of Article 6 to the best of his/her capacity;

(viii) invite mankind in general, according to his or her capability and capacity, to the Creed and Objective which have been explained in Articles 3 and 4, and urge those who accept this Creed and Objective to strive collectively for *Iqaamat-e-Deen*.

Desirable Norm

Article 9: Every member of the Jamaat shall have to endeavour that he/she should –

(i) become aware of the difference between Islam and *Jaahiliyat* (ignorance) and get acquainted with the limits of Allah (imposed to guide man aright in his daily activities);

(ii) strengthen his relationship with Allah, as best as he can; and to that end give himself to non-obligatory prayers[10]; remembrance of Allah,[11] and recitation of the holy Qur'an, besides and in addition to, the performance of obligatory acts of worship;

(iii) recast his outlook, thought and action, in accordance with Divine guidance; change the aim of his life, his preferences, and the scale of values and the focus of his loyalties and bring them all into harmony with Divine pleasure; and neutralize the idols of arrogance and egoism and submit himself to the commands of the Lord;

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10 That is, *Nawaafil*.

11 That is, *Azkaar*.

(iv) purge his life of such customs and traditions of ignorance (*Jaahiliyath)*, as are in conflict with the injunctions of the *Shariah*;

(v) purify his heart of all those prejudices and inclinations, and his life of those pursuits, disputes or polemics, which are based on egoism or gross worldliness and which carry no importance in the *Deen*;

(vi) sever contacts of affection and friendship, (but not the general human relations), with transgressors, evil doers and people indifferent to God and should establish contact and connection with righteous and God-fearing people;

Explanation: If there are close family relations with the transgressors and the evil doers, their rights (so far as they are prescribed in the *Shariah*,) shall invariably be honoured and social contact shall be maintained with them in conformity with common decency and righteousness. It shall, however, be necessary to refrain completely from their evil-actions and try to reform them with forbearance and tact.

(vii) should abide by Islamic rules and should not take recourse to judiciary for resolution of disputes except when indispensable;

(viii) base all his dealings on truthfulness, justice, fear of God and unimpaired righteousness;

(ix) concentrate his labours and endeavours on the Objective of *Iqaamat-e-Deen* and, barring the basic needs of his life, should dissociate himself from all those frivolous activities
towards that Objective.

PART III

THE JAMAAT STRUCTURE

Article 10: The mode of functioning of the Jamaat-e-Islami Hind shall be consultative. Organizationally it shall comprise the Central, the Zonal and Local units. Besides, the *Amir-e-Jamaat* may set up, if so required, additional regional structures.

THE CENTRAL UNIT

Article 11: The Central Unit shall comprise the following:-

(i) The Council of Representatives
(ii) The Amir-e-Jamaat
(iii) The Central Advisory Council
(iv) The Secretary-General.

I. THE COUNCIL OF REPRESENTATIVES

Formation

Article 12: There shall be a Council of Representatives of the Jamaat consisting of representatives directly or indirectly elected by the members of the Jamaat; the *Amir-e-Jamaat;* and the Secretary-General.

Article 13: The members of the Council of Representatives shall be elected in the following manner:

In the first instance all the members of the Jamaat shall elect fifteen members from the whole Jamaat for the Council. Then one or more representatives from each Zonal Unit and areas under Centre, shall be directly or indirectly elected. The number of these representatives and the minimum proportion of women amongst them, shall be specified by the Central Advisory Council, from time to

time; keeping in view the total membership strength in the concerned unit. The Central Advisory Council shall define the conditions and detailed procedure for indirect election.

Article 14: (a) Holding the office of the Amir or Secretary-General shall be no bar for the person holding that office at the time of election, to be elected to the Council of Representatives.

(b) Any shortage in the number of members of the Council, caused because of the (then) *Amir-e-Jamaat* or the Secretary-General getting elected to it, shall be no bar to the election of the *Amir* or of the Central Advisory Council during the period intervening the election of the new Amir or the appointment of the new Secretary-General.

REQUISITE QUALIFICATIONS FOR MEMBERSHIP

Article 15: The following qualities shall be kept in view while electing a person for membership of the Council of Representatives:

(i) He should be neither an aspirant for, nor desirous of, the membership of the Council of Representatives or of any other office under the Jamaat;

(ii) He should be, on the whole, superior to other Jamaat members in his electoral constituency in respect of the understanding of *Deen*, piety, trustworthiness, sagacity, soundness of opinion, understanding of issues, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution and also steadfastness in the way of God.

Term

Article 16:(a) The Council of Represen-tatives shall be elected for four years.

(b) Elections to a new Council of Representatives shall, ordinarily, be held before the term of the existing one expires. When and if it be not possible, due to some compelling reasons, to hold the election before the expiry of the four-year term, the existing Council shall continue to function till a new one is elected.

Powers

Article 17: The powers of the Council of Representatives shall be as follows:

(i) Election and removal of the *Amir-e-Jamaat*;
(ii) Decision on the resignation of the *Amir-e-Jamaat*;
(iii) Election of the Central Advisory Council, or a member of it and removal;
(iv) To decide on matters of disagreement between the *Amir-e-Jamaat* and the Cenral Advisory Council (Article 39 (c));
(v) Deliberation and decision on the recommendations of the Cenral Advisory Council and the proposals of the members of the Council of Representatives or the *Amir-e-Jamaat*, concerning amendments to the Constitution (vide Articles 73 and 74);
(vi) Appraisal of the activities (of the Jamaat) during the preceding two-years period in the light of the termwise programme.

Meetings

Article 18: (a) The Council of Representatives shall meet, ordinarily, within a mixiumum period of one month from the commencement of its term of office. Its second meeting will be held one month prior to the middle of the term of the Council or within three months, at the maximum, thereafter.

(b) An extra-ordinary meeting of the Council may be summoned whenever required.

(c) In case a written requisition is made by any of the ten members of the Council of Representatives to summon an extra-ordinary meeting of the Council to consider an issue pertaining to the powers of the Council, it would be necessary to seek the opinion of the members of the council of Representatives and if majority of the members favour the summoning of such meeting, the same shall necessarily be summoned within two months thereafter.

(d) The *Amir-e-Jamaat* and the Secretary-General shall, when the Council is in session, be its Chairman and Secretary respectively. When however, an issue concerning the *Amir-e-Jamaat* himself is under consideration, the Council shall elect, in his place, a temporary chairman from amongst its members to preside over the meeting.

Quorum

Article 19: The quorum of the Council of Representative shall consist of 60 per cent of its total members; but if a certain meeting may have to be postponed for want of quorum, there shall be no quorum for the next meeting.

Explanation: If in a certain matter some members of the Council are not entitled to vote in accordance with Article 21 then, excepting such persons, the quorum shall consist of 60 per cent of the remaining members.

Mode of Decision

Article 20: Efforts shall be made to arrive at unanimous decisions in the Council of Representatives. Failing that, decisions shall be taken on the basis of majority of votes. In the event of opinions being equally divided on a certain issue, then decision shall go in favour of opinion supported by the Chairman of the meeting.

Explanation: Decisions on amendments to the Constitution and removal of *Amir* and/or removal of the Central Advisory Council shall be taken, not on the basis of the simple majority of present members only, but on the basis of the majority of at least 51 per cent of all such members of the Council as are eligible to vote on that matter and to that end, the opinions of the members not present shall, if required, be also obtained in writing.

Article 21: If the Council is considering a matter concerning the removal of a certain member of the Central Advisory Council or of the Central Advisory Council itself or of the *Amir-e-Jamaat*, or the resignation of the *Amir-e-Jamaat*, then the person or persons concerned shall not be entitled to vote, on that matter.

II. THE AMIR-E-JAMAAT

Status

Article 22: There shall be an Amir of the Jamaat-e-Islami Hind, whose status shall not be that of *Amirul Momineen*,[12] in the recognised sense of the term, but his status shall be only that of the leader of this Jamaat. Members of the Jamaat shall be bound to obey him in Maaroof.[13] The Jamaat shall not invite the people towards the personality or the office of the Amir, but it shall call people towards its Creed and Objective.

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12 Literally, *Amir* of the Faithful, i.e. the Chief of the Muslims.

13 Maaroof signifies anything considered desirable, commendable, good or imperative in the *Shariah* as well as that which is proper, decent, decorous or reasonable according to common sense and good usage.

Requisite Qualifications for the Office of the Amir

Article 23: The following qualities shall be kept in view in the election of the *Amir-e-Jamaat*:

(i) He should be neither an aspirant for, nor desirous of, the office of the Amir or any other office within the Jamaat.

(ii) He should be, on the whole, the best of all members in the Jamaat in respect of the knowledge of the Qur'an and the *Sunnah*, piety, understanding of Deen, trustworthiness sagacity and soundness of opinion, resolution and determination, understanding of affairs and power of decision, gentleness and forbearance, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution, steadfastness in the way of God and the ability to discharge responsibilities that the office entails.

Election

Article 24: (a) The Council of Representatives shall elect the *Amir-e-Jamaat*.

(b) The election for the office of the Amir shall, in normal circumstances, be necessarily held in a meeting of the Council of Representatives. To get elected to the office of the Amir, the person concerned should necessarily secure more than 50 per cent votes of the members present and voting. Election by means of correspondence may be held only in exceptional circumstances.

(c) The Council of Representatives shall hold new election for the office of the Amir within a maximum period of one month from the commencement of its term.

(d) The same person may be elected repeatedly for the office of the Amir.

Article 25: When and if the office of the Amir suddenly falls vacant for any reason, the *Amir-e-Jamaat* shall, if in a position to do so, nominate an interim Amir; or else, the members of the Central Advisory Council present at the headquarters shall, with mutual consultation, elect an interim Amir from amongst themselves. If, however, only one member of the Central Advisory Council be present at the headquarters, he shall assume the duties of the Amir temporarily. In case of no member of the Central Advisory Council being present, the members of the Jamaat, present at the headquarters, shall elect from among themselves an interim Amir by a simple majority of votes. This interim arrangement shall hold good for a period not exceeding four months, before the expiry of which the Council of Representatives shall elect an Amir (vide Article 24 (a) and (b).) This new election shall be deemed as a temporary one except when the Council of Representatives decides to make it a permanent one in view of the needs or interests of the Jamaat.

Article 26: (a) The Amir-e-Jamaat may, if he requires to be relieved of his duties temporarily, or else be absent from the headquarters for reasons of some necessity, appoint someone to officiate on his behalf during this period.

(b) The period of this appointment shall not exceed one year and, in case of its being for more than three months, the approval of the Central Advisory Council shall be necessary.

Explanation: The meaning of a person being an "interim Amir" or "officiating Amir" is that on the return of the permanent Amir the interim or officiating Amir shall automatically cease to function.

Term of Office

Article 27: An *Amir-e-Jamaat* shall hold office till such time as the new Amir takes over charge of the office in accordance with Article 24 (a) and (b), or Article 25.

Duties and Powers

Article 28: Duties and powers of the *Amir-e-Jamaat* shall be as follows:

(1) The ultimate responsibility with regard to disciplining and guiding the movement shall be that of the *Amir-e-Jamaat*.

(2) (a) *Amir-e-Jamaat* may, in consultation with the central Advisory Council, appoint *Naib Amir/s* to assist him.

(b) The *Naib Amir/s* shall be answerable to the *Amir-e-Jamaat* for the discharge of their duties and responsibilities.

(3) The *Amir-e-Jamaat* shall, in consultation with the Central Advisory Council, formulate the policy of the Jamaat and, decide such important issues as may have an appreciable impact on the policy or discipline of the Jamaat.

(4) It shall be imperative for the *Amir-e-Jamaat* that he should –

(i) Keep obedience and loyalty to Allah and His Messenger (Allah's blessings and peace be on him) above everything else;

(ii) regard his foremost duty to serve, whole heartedly, the cause and the Objects of the Jamaat;

(iii) give preference to the interests of the Jamaat and the responsibilities of his office over and above his own self and his personal interests;
(iv) always adjudicate among members of the Jamaat with justice and integrity;
(v) accord full protection to the assets of the Jamaat placed under his charge;
(vi) abide by the Jamaat's Constitution himself and strive his best to run the Jamaat in accordance with the same.

(5) (a) The powers of the *Amir-e-Jamaat* shall be as under:

(i) The *Amir-e-Jamaat* may, in such important matters requiring immediate action, and where it be not possible to seek the advice of all the members of the Central Advisory Council even through correspondence, take a decision, in consultation with such members of the Council only as are available for timely consultation. The *Amir-e-Jamaat* shall, however, place such a decision before a (subsequent) meeting of the Central Advisory Council for confirmation (vide Explanation to Article 29).
(ii) To discharge all the administrative functions of the Jamaat.
(iii) To use and operate the assets of the Jamaat in the interest of the Jamaat within limitations, if any, imposed by the Central Advisory Council and to sell, purchase, exchange, donate or otherwise transfer, movable or immovable property on behalf of the Jamaat.
(iv) To sanction enrolment of (new) members of the Jamaat (vide Article 7) and to pass orders of expulsion of the members (vide Article 69).

(v) To constitute Zonal Units and set up regional administration as and where required (Articles 10 and 45 (a)).

(vi) To nominate an interim or officiating Amir as and when required (Articles 25 and 26 (a)).

(vii) To summon ordinary and extraordinary meetings of the Council of Representatives (Article 18 (a) and (b)).

(viii) To preside over the meetings of the Council of Representatives (Article 18 (c)).

(ix) To take a decision in case of equal division of votes in the Council of Representatives (Article 20).

(x) To summon ordinary and emergency meetings of the Central Advisory Council (Article 35 (a), (b) and (c)).

(xi) To preside over the meetings of the Central Advisory Council (Article 35 (d)).

(xii) To take a decision on matters where there is no unanimity in the Central Advisory Council, in favour of more than one-third of votes of the members of the Council (Article 39 (b)).

(xiii) To permit non-members of the Central Advisory Council to attend the meetings of the Council (Article 40).

(xiv) To appoint the Secretary-General, Secretary/ Secretaries and to give directives to them (Articles 41 and 44).

(xv) To appoint Zonal Amirs and supervise their work (Article 46 (a) and (b)).

(xvi) To confirm the decisions of the Zonal Advisory Councils (Article 51).

(xvii) To appoint *Amirs* for Local Jamaats (Article 53).

(xviii) To take a decision to merge any of the treasuries with the Central Treasury in the interest of the Jamaat (Article 57 (b)).

(xix) To prescribe appropriate norms in respect of Zakat of individual members (vide Explanation to Article 58).

(xx) To incur expenditure on Jamaat's activities out of the Central Treasury (Article 59).

(xxi) To exercise control over the expenditure of the treasuries under the charge of Zonal Amirs (Article 61 (b)).

(xxii) To frame rules and regulations concerning the treasury (Article 63).

(xxiii) To take decisions in regard to resignations of all office-bearers (Article 65 (a)).

(xxiv) Removal of the Secretary-General, Zonal Amirs and Local Amirs (Article 67).

(xxv) Appointment of the staff for carrying out various functions of the Jamaat specifying their duties and their dismissal.

(xxvi) To suspend members of the Jamaat (Article 69(b)).

(xxvii) To suspend or dissolve subordinate Jamaats (Article 70).

(xxviii) To frame by-laws (Article 71).

(xxix) To propose amendments to the Constitution in the meeting of the Council of Representatives (Article 74).

(5) (b) The *Amir-e-Jamaat* may exercise these powers directly and/or indirectly through his subordinates.

Explanation: These powers of the *Amir* shall, likewise, vest with the interim *Amir* as well. The officiating *Amir*, however, shall exercise only such powers as are delegated to him by the (permanent) *Amir-e-Jamaat*.

III. CENTRAL ADVISORY COUNCIL

Status

Article 29: To assist and advise the *Amir-e-Jamaat*, there shall be a Cenral Advisory Council, which the *Amir-e-Jamaat* shall consult on all such important matters as are likely to have a considerable impact on Jamaat's policy and/or discipline.

Explanation: The *Amir-e-Jamaat* may, in such important matters requiring immediate action and where it be not possible to seek the advice of all the members of the Central Advisory Council even through correspondence, take a decision, in consultation with such members of the Council only as are available for timely consultation. The *Amir-e-Jamaat* shall, however, place such a decision before a (subsequent) meeting of the Central Advisory Council for confirmation.

Composition

Article 30: The total number of members of this Council shall be 25; out of which the Council of Representatives shall elect 24 from amongst itself and the 25th member shall be the Secretary-General ex-officio.

Explanation: Members of the Central Advisory Council so elected shall continue as members of the Council of Representatives wherefrom they have been elected.

Article 31: Elections to the Central Advisory Council shall be held within a period not exceeding two months from the commencement of the term of office of the (new) Council of Representatives.

Requisite Qualifications for Membership

Article 32: The following qualities shall be kept in view in electing anyone for the membership of the Central Advisory Council:

1. He should be neither an aspirant for, nor desirous of, the membership of the Central Advisory Council or any other office under the Jamaat.
2. He should be, on the whole, superior to other members of the Council of Representatives in respect of understanting of the *Deen*, piety, trustworthiness, sagacity, soundness of opinion, understanding of affairs, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution and steadfastness in the way of God.

Term

Article 33: The Advisory Council shall remain in office so long as a new Advisory Council is not constituted in accordance with Articles 30 and 31.

Article 34: If a seat in the Central Advisory Council falls vacant temporarily, it shall be filled according to rules and this election shall be temporary.

Meetings

Article 35:

(a) The Central Advisory Council shall ordinarily meet once a year, and the intervening period between two meetings shall in no case be more than 15 months.

(b) The Amir-e-Jamaat may summon an extraordinary meeting of the Central Advisory Council at any time.

(c) If five members of the Central Advisory Council make a written requisition to the *Amir-e-Jamaat* for summoning a meeting of the Council, an extraordinary meeting of the Central Advisory Council shall be summoned at the earliest.

(d) At the time of the meeting the Amir-e-Jamaat and the Secretary-General shall respectively be the Chairman and the Secretary of the Council.

Quorum

Article 36: The quorum of the Central Advisory Council shall consist of 13 members; but if a meeting may have to be adjourned for want of quorum, there shall be no quorum for the next meeting.

Proceedings

Article 37: In every ordinary meeting of the Central Advisory Council, the following matters shall be presented for consideration and decision:

(i) Annual report of the Jamaat.

(ii) The report of the income and expenditure of the Central treasury in the light of the previous year's budget to which shall also be attached the Auditor's Report.

(iii) Budget for the ensuing year.

(iv) Programme of the Jamaat for future, if necessary.

(v) Proposals by the *Amir-e-Jamaat* or any member of the Central Advisory Council, in respect of the policy, the programme, the discipline or other matters concerning the Jamaat.

Explanation: From the expression 'discipline or other matters concerning the Jamaat', in respect of which the members of the Central Advisory Council may present proposals, shall be excluded such aspects thereof as lie within the authority of the *Amir-e-Jamaat*.

Note: Such proposals by the members of the Jamaat as be deemed important by the *Amir-e-Jamaat* or any member of the Council may also be presented for consideration.

Article 38: Recommendations or proposals, if any, in relation to the Constitution of the Jamaat shall be formulated in a meeting of the Central Advisory Council to be placed before the Council of Representatives.

Mode of Decision

Article 39: (a) Efforts shall be made to arrive at unanimous decisions in the Central Advisory Council.

(b) If there be no unanimity on any issue, and if the opinion of more than one third of the members of the Central Advisory Council present and voting concur with that of the *Amir-e-Jamaat*, then *Amir-e-Jamaat* may take a decision in accordance with his own opinion. Otherwise decisions shall be taken on the basis of the majority opinion of voting members of the Council.

(c) For a decision regarding the formulation of the basic policy or amendments thereto, it shall be necessary that either three-fourth majority of the Central Advisory Council members present be in its favour, or half of the present members of the Central Advisory Council and the *Amir-e-Jamaat* be in its favour. Otherwise this matter shall be deemed controversial and shall be decided by the the Council of Representatives.

Participation of non-Members:

Article 40: If the *Amir-e-Jamaat* deems it necessary, he may invite non-members of Central Advisory Council also to attend the meeting of the Central Advisory Council but they shall have no right to vote.

IV. THE SECRETARY–GENERAL

Appointment

Article 41: (1) There shall be a Secretary-General of the Jamaat-e-Islami Hind, whose appointment shall be made by the *Amir-e-Jamaat*. In respect of this appointment the *Amir-e-Jamaat* shall keep in view, the opinion of the members of the Central Advisory Council also.

(2) (a)The *Amir-e-Jamaat* can, in consultation with the Central Advisory Council, appoint Secretary/ Secretaries also to aid and assist the Secretary-General.

(2) (b) Such Secretaries shall be answerable to the Secretary-General in the discharge of their duties and responsibilities.

Qualifications for the Office of the Secretary-General

Article 42: The following qualities shall be kept in view in the appointment of the Secretary-General:

1. He shuld be neither an aspirant for, nor desirous of the office of the Secretary-General or any other office in the Jamaat.
2. He should be superior to the generality of Jamaat members in respect of understanding of the Deen, piety, trustworthiness, sagacity, soundness of opinon, understanding of affairs, power of decision, gentleness and forbearance, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution, steadfastness in the way of God and organizational capacity.

Duties

Article 43: The duties of the Secretary-General shall be as stated hereunder:

1. He shall supervise the management and functioning of all the departments at the Headquarters;
2. Maintain general discipline in the Jamaat;
3. Keep in touch with and be watchful of all the administrative zones and issue instructions to them as and when required.

Article 44: The Secretary-General shall perform his duties as per Article 43 under the directions of the *Amir-e-Jamaat*; and in that regard shall be answerable to the *Amir-e-Jamaat*.

ZONAL UNIT

Organizational Zones

Article 45: (a) For organizational purposes, the *Amir-e-Jamaat* shall constitute Zonal Units, and in that connection he shall take into consideration the suggestions of the members of the Central Advisory Council.

(b) The organizational set-up of a Zonal Unit shall comprise the Zonal Amir and the Advisory Council of the Zone.

Zonal Amir

Article 46: (a) For every Zonal Unit, there shall be a Zonal Amir, appointed by the *Amir-e-Jamaat*, in consultation with the Advisory Council of the Zone concerned. For this oppointment, the *Amir-e-Jamaat* shall also keep in mind the opinions of the members in the Zone, as also the interests of the Jamaat. For this purpose, if deemed fit, the *Amir-e-Jamaat* may also propose the names

of certain person/s for the consideration of Jamaat members in that Zone.

(b) The Zonal Amir, under the directions of the Headquarters, shall be responsible for the management and functioning of the Jamaat units in his Zone and for the *Tarbiyat* and guidance of the members thereof. In all these matters he shall be answerable to the *Amir-e-Jamaat*.

(c) The Zonal Amir may perform his duties through his assistants also.

Requisite Qualifications for the Zonal Amir

Article 47: The following qualities shall be kept in view in the selection of a Zonal Amir:

1. He should not be an aspirant for, nor desirous of, the office of the Zonal Amir or any other office under the Jamaat.

2. He should be on the whole superior to the generality of members in the zone in respect of knowledge of the *Deen*, piety, trustworthiness and integrity, understanding of affairs, forbearance, acquaintance with the temperament of the Islamic movement and devotion there to, abidance by the Jamaat Constitution, missionary zeal, steadfastness in the way of God and organizational ability.

Zonal Advisory Councils

Article 48: (a) For every Zonal Amir there shall be a Zonal Advisory Council.

(b) The Zonal Amir shall fix the number of members of the Zonal Advisory Council.

(c) Members of the Zone shall directly or indirectly elect members of the Zonal Advisory Council from among themselves.

(d) The term of the Zonal Advisory Council shall be four years.

Article 49: The following qualities shall be kept in view in electing a person for the membership of the Zonal Advisory Council:

1. He should be neither an aspirant for, nor desirous of the membership of the Zonal Advisory Council or any other office under the Jamaat;
2. He should be on the whole superior to the other member of the zone in respect of understanding of the *Deen*, piety, trustworthiness, sagacity and soundness of opinion, understanding of affairs, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution and steadfastness in the way of God.

Article 50: (a) The Zonal Amir shall seek the advice of the Advisory Council of his Zone in all important matters.

(b) The Zonal Advisory Council shall meet ordinarily twice a year, and the interval between two meetings shall not exceed eight months.

(c)The Zonal Amir may at any time, call an extraordinary meeting of the Zonal Advisory Council. Moreover, if half of the members of the Council make a written requisition to the Zonal Amir, it shall be obligatory to call an extraordinary meeting of the Council at the earliest.

(d) The quorum for the Zonal Advisory Council shall be 60% of the total members of the Council; but in case, a meeting is adjourned for want of quorum, there shall be no quorum for the next meeting.

(e) At the time of the meeting of the Zonal Advisory Council, the Zonal Amir shall be its Chairman.

(f) Following matters shall be placed before the Zonal Advisory Council for consideration in its annual meeting:

(i) Annual Report

(ii) Income and expenditure Account of the Zonal treasury in the light of the previous year's budget accompanied by the Auditor's report.

(iii) Annual budget for the next year.

(g) In the event of there being no unanimity, a decision shall be reached by majority of votes and, at the time of counting of votes, the vote of the Chairman also shall count as one vote. However, in the event of votes being equally divided, decision be taken according to the votes in which is included the vote of the Chairman (the Zonal Amir).

Article 51: The Zonal Amir shall communicate the decisions of the Zonal Advisory Council, together with relevant details, within fifteen days from the day these are taken, to the *Amir-e-Jamaat* for approval. However, if the Zonal Advisory Council is of the opinion that urgent action is inevitable in a particular matter, the Zonal Amir may proceed to act prior to obtaining such approval.

LOCAL UNIT

Local Jamaats

Article 52: A Local Jamaat shall be set up at a place where there be more than one member of the Jamaat, but if there be only one member at a given place, then he shall be linked directly with his Zonal Amir and shall act according to his instructions.

Local Amir

Article 53: Every Local Jamaat shall have an Amir whose appointment shall be made by the Amir-e-Jamaat,

keeping in mind the views of Local members, the opinion of the Zonal Amir, and the interests of the Jamaat.

Article 54: The Local Amir shall, under the directions of the Zonal Amir, be responsible for managing the affairs and functioning of his unit and for the guidance and *Tarbiyat* of the members under his charge. He shall perform Jamaat's duties in consultation with the members of the local Jamaat.

Provided that if the total number of members of the Jamaat at a place exceeds 20, a Local Advisory Council may also be constituted.

Requisite Qualifications for Local Amir

Article 55: The following qualities shall be kept in view in the selection of a Local Amir:

1. He should be neither an aspirant for, nor desirous of the office of the Local Amir or any other office under the Jamaat.
2. He should be on the whole superior to all Local members in respect of piety, acquaintance with the *Deen*, honesty and integrity understanding of affairs, forbearance, familiarity with the temperament of the Islamic movement and devotion thereto, abidance by the Jamaat Constitution, missionary efforts, steadfastness in the way of God, and organizational ability.

The Relationship between Local Amir and Zonal Amir

Article 56: The Local Amir shall be answerable before the Zonal Amir, in respect of his relevant duties.

PART IV

FINANCES

The Treasury

Article 57: (a) There shall be established, a Local treasury for every local Jamaat in every Zone and a Zonal treasury for every zone and a Central treasury at the Jamaat headquarters.

(b) The *Amir-e-Jamaat* may, if he deems necessary in the interest of the Jamaat, merge any local treasury with the Zonal or the Central treasury.

Article 58: The members of the Jamaat shall deposit their *Zakat* and *Ushr* in the respective local treasuries, in accordance with by-laws.

Explanation: The *Amir-e-Jamaat* shall frame suitable regulations in respect of the *Zakat* and *Ushr* of individual members.

Article 59: The Central treasury shall be under the charge of *Amir-e-Jamaat*, out of which he shall spend on relevant heads of account, in accordance with the approved budget.

Explanation: The *Amir-e-Jamaat* shall have the authority, subject to provisions of Article 29, to transfer funds earmarked for one head of account to another, and to make appropriations, in excess of the approved budget, to meet unforeseen contingencies.

Article 60: The audit of accounts of the Central Treasury shall be caused to be made annually by some auditor whose appointment shall be made by the Central

Advisory Council. The auditor's report shall be presented in a meeting of the Central Advisory Council.

Zonal Treasury

Article 61: (a) The treasury of every Zone shall be under the charge of its Amir, whence he shall spend on relevant heads of account in consultation with the Advisory Council of his Zone.

(b) Every Zonal Amir shall be answerable to the *Amir-e-Jamaat* in respect of the income and expenditure of the treasury of his Zone.

(c) The accounts of the treasury of the Zone will be got audited every year through an auditor to be appointed by the Zonal Advisory Council.

Local Treasury

Article 62: (a) Every Local treasury shall be under the charge of the Local Amir, out of which he shall expend on relevant heads of account in consultation with Local members.

(b) Every Local Amir shall be answerable to the Zonal Amir in respect of the income and expenditure of his treasury.

Management and Working of the Treasury

Article 63: The *Amir-e-Jamaat* shall frame rules and regulations for the functioning of the treasuries.

PART V

MISCELLANEOUS

Vacancies

Article 64: Vacancies, if any, in the Council of Representatives and/or the Central Advisory Council and/or the Zonal Advisory Council shall be filled up as per relevant rules, within three months (from the date these have been so caused), unless the vacancy is caused during the last six-month period of the term (of the concerned Council).

Article 65: (a) If an office-bearer, other than the *Amir-e-Jamaat*, tenders resignation from his office, the *Amir-e-Jamaat* shall have the authority to take a decision in respect of his resignation.

(b) The Council of Representatives shall be competent to take decision in respect of the resignation by the *Amir-e-Jamaat*.

(c) The person tendering his resignation shall continue to hold office till such time as his resignation be accepted.

Article 66: One who tenders his resignation from the membership of the Jamaat may be allowed a maximum period of one month to reconsider his decision.

Removal

Article 67: The appointing or selecting authority for an office shall also be competent to remove the incumbent concerned; such removal shall be effected through a

procedure similar to that laid down in this Constitution for his election or appointment.

Expulsion

Article 68: The expulsion of a member from the Jamaat may take place on any one of the following grounds only; when and if he –

1. contravenes, by word or deed, Article 6 of this Constitution; or
2. violates any clause of Article 8 and does not desist from that violation; or
3. acts against the settled policy of the Jamaat; or
4. adopts an attitude detrimental to Jamaat's discipline or to its moral and religious prestige; or
5. it becomes apparent from his conduct that he is no more interested in the work of the Jamaat; or
6. gives up citizenship of the Indian Union.

Article 69: (a) Every member of the Jamaat, prior to his expulsion shall be informed of reasons thereof and allowed two months time to submit an explanation.

(b) The *Amir-e-Jamaat* may, if so deemed necessary, suspend a member, pending a decision on his expulsion. Provided that the Zonal Amir may also, if he deems it unavoidable, suspend a member pending the decision of the *Amir-e-Jamaat*.

Suspension of Jamaat Units

Article 70: When and if it is expendient and in the interest of the Jamaat, the *Amir-e-Jamaat* shall be competent to suspend or dissolve a subordinate (branch of the) Jamaat; in this regard he shall seek the advice of such members of the Central Advisory Council as be available at the time.

Powers of Framing By-laws

Article 71: To fulfil the intent of this Constitution and to organise the activities, the *Amir-e-Jamaat* shall frame by-laws, as may be required. In this connection he shall also seek advice from members of the Central Advisory Council and shall give due regard to the same.

Interpretation of the Constitution

Article 72: Differences, if any, in interpreting this Constitution shall be resolved in a meeting of the Central Advisory Council.

Amendment in the Constitution

Article 73: If any proposal for amendment in the Jamaat's Constitution is made by the *Amir-e-Jamaat* or by a member of the Central Advisory Council, or, if a proposal of any other member of the Jamaat, in the opinion of the *Amir-e-Jamaat* or a member of the Advisory Council merits consideration; the Central Advisory Council shall formulate its recommendations regarding the same and they shall be placed before the Council of Representatives for decision.

Article 74: If the *Amir-e-Jamaat* or any fifteen members of the Council of Representatives present in its meeting, be in favour of considering any proposal for amendment in the Constitution; such proposal may be placed in the meeting of the Council of Representatives for consideration and decision notwithstanding the provision of Article 73.

Article 75: If the Central Advisory Council is of the opinion that a certain proposal for an amendment in the Jamaat's Constitution is minor or merely linguistic in nature, the decision on such proposals may also be taken by

seeking the opinion of the members of the Council of Representatives through correspondence.